UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1991/NGO/13
1 August 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-third session
Item 15 of the provisional agenda

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Written statement submitted by the Indian Law Resource Center, a non-governmental organization in consultative status (roster)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 August 1991]

1. The Yanomami Indians of Brazil continue to be devastated by disease and malnutrition as the result of the invasion of their land by gold miners. But the President of Brazil is now taking significant steps toward removing the miners, providing health care and protecting the Yanomami territory. The positive steps now being taken are no doubt due in part to the constructive and humanitarian role of the Chairman-Rapporteur of the United Nations Working Group on Indigenous Populations, to the personal intervention of the United Nations Secretary-General and to the support of various offices and agencies of the United Nations.

GE.91-12616/6881a

2. Although important steps are now being taken by the Brazilian Government, these steps will not stop the dying and the suffering of the Yanomami unless the Government takes further concrete measures to demarcate the Yanomami land, to remove all the gold miners and to provide ongoing medical services. The President of Brazil must be supported and encouraged to take the further necessary steps.

Background

3. The Yanomami are perhaps the most isolated major group of Indians in the Americas, having remained almost without contact until the last several years. They live in widely scattered villages or maloccas in the far north of Brazil, in the northern reaches of the Amazon rain forest. There are now perhaps eight or nine thousand Yanomami living in Brazil.

4. In 1987, despite Government promises to demarcate and protect the Yanomami territory, thousands of gold miners were permitted to invade the Yanomami lands. Within two years, some 45,000 gold miners, or garimpeiros, were in the Yanomami lands, in complete violation of Brazilian law, but with the sometimes-active assistance of elements in the Brazilian Government. The Government barred from the area medical personnel and others who could help the Yanomami, reducing medical service to almost nothing.

5. The gold miners brought with them malaria and a host of other diseases to which the Yanomami have no resistance and no means of treatment. The rivers were and still are torn up, polluted and poisoned with mercury, the Yanomami's natural food sources were poisoned or destroyed, as were the forests along the rivers in the mining areas.

6. Soon Yanomami began to die from malaria and the other diseases brought by the miners and from the effects of malnutrition. Many entire villages simply disappeared due to the deaths of the inhabitants. No one knows the actual number of Yanomami that have died as a result of the invasion, but informed estimates are that the toll is 1,500 to 2,000. These four years of horror have been described by experts as genocide.

The present situation

7. In April of this year, Davi Kopenawa Yanomami told of a recent visit he had made to a very remote area, where he had assumed the people were safe from the diseases of the miners. To his horror, he found that many villages there had completely perished from the diseases - everyone dead, without any medical care and the world unaware of their passing.

8. Slowly and fitfully the Government, a year and a half ago, began to make efforts to remove the garimpeiros and to deal with the health problems. The number of gold miners in the area was greatly reduced, but thousands of gold miners have continued to reinvade the area. Recently, federal police estimated that at least 8,000 garimpeiros remained in the central Yanomami area alone. Much greater effort will be required to remove all of them and to prevent their return.

9. According to a Brazilian newspaper, the Government destroyed some 49 airstrips used by the miners out of a total of about 120. Of the 49 destroyed, 20 have already been repaired and are in use again. In June Davi Kopenawa flew with Governmnt officials over a large part of the Yanomami territory and observed many of these airstrips in use and mining going on in many areas. In the region of the Uraricoera River, for example, he observed at least 60 rafts used for dredging the river. Others have seen as many as 100 rafts in that area alone.

Malaria continues out of control

10. Though some medical service is now being provided, the health situation continues to be precarious. National Health Foundation personnel reported that in May 70 per cent of the population in the Surucucus area was diagnosed as having malaria. In the Xidea area 40 per cent have malaria. In the Homoxi area it is 67 per cent, and at Paapiu 46 per cent of the Yanomami have malaria. Another observer at Paapiu found 50 per cent with malaria, and half of these cases were the Falciparum strain, which is often fatal. The National Health Foundation reports that 90 per cent of all deaths of Yanomami are caused by malaria - a result of the invasion of the miners. Hospitalizations for malaria have increased by 50 per cent, we are told, since January of this year.

11. The health project developed this year is a good one, but it has not been carried out as it should be. There is a great need for additional funds.

12. Davi Kopenawa Yanomami recently reported to the National Health Foundation about the tragic situation of most of the Yanomami villages. He said:

> "The villages close to the Surucucus Hospital are up to eight hours' walk through mud and knee-deep water. The others are many days walk. ... The people who are in the hospital came walking through the forest, the sickest ones were carried for days, and many died on the way."

He emphasized the special need for helicopters to enable the medical teams to reach the villages. He said:

> "I am still very worried because the gold prospectors are returning to invade Yanomami lands, bringing diseases and rebuilding the landing strips in the gold-mining areas. With the return of the gold prospectors, and even more so without helicopters, my people will continue to die."

Positive Government measures: more is needed

13. In April a number of very favourable steps were taken by the Brazilian Government:

1. The two decrees that had created an archipelago of 19 separate islands of Yanomami lands and drastically reduced their land area were revoked.

2. The Government also revoked the decrees that had created three gold-mining reserves in the Yanomami territory.

3. The Ministry of Justice, by decree, closed the entire Yanomami area to all invaders for a period of six months during which time the demarcation of the Yanomami area would be studied.

In June, President Fernando Collor de Mello again ordered federal police to expel the gold miners from the Yanomami land in compliance with an earlier Federal Court decision. Only a few days ago, funds were released to permit the police to take action. Officials point out that much more money will be needed to remove all the gold miners and to prevent their return.

14. The Government also agreed to accept the United Nations offer of assistance. Secretary-General Javier Pérez de Cuéllar wrote to President Collor offering "humanitarian aid" through UNICEF, WHO and the ILO, and expressing concern for the survival of the Yanomami despite the positive steps taken by the President. In April, the Secretary-General met privately with Davi Kopenawa to review the situation, and he promised assistance at that time. This extemely important and unprecedented meeting has helped to demonstrate the worldwide concern for the survival of the Yanomami and the urgency of supporting all efforts to stop the invasion of the Yanomami land and to provide the medical care necessary to stop the dying from malaria and other diseases.

15. On Monday, 22 July, FUNAI, Brazil's national Indian agency, made an official statement and recommendation, or paracer, calling for the demarcation of the entire Yanomami area of 9.4 million hectares. This decision is based upon a study ordered by President Collor by anthropological and legal experts. The land area recommended is the same as the traditional land area recognized by the Federal Court and by the Inter-American Commission on Human Rights. It is the area that the Commission for the Creation of the Yanomami Park and practically all other experts and human rights advocates have urged the Government to demarcate.

16. After a 30-day period for public comment, this recommendation will be submitted for final approval by the President.

17. There has been a storm of opposition from the mining interests, from leaders of the garimpeiros and from the governors of the three States in the region. Unless President Collar can withstand this criticism and carry through with his apparent intention to demarcate and protect the area, all the recent positive steps will be entirely ineffective.

18. Not only must the President approve the demarcation, but there must be created a comprehensive scheme for the total protection to the Yanomami territory. This will have to include demarcation and policing to prevent reinvasion, much-increased health services with helicopters, environmental restoration and environmental protection.

19. Gross human rights violations, even genocide, can and do occur in situations such as this, where powerful private interests trample upon human lives, act in defiance of national laws and exert their political and economic

power to prevent or delay government action to protect the victims. Just as it is our duty to monitor and criticize the performance of Governments in the observance and protection of human rights, it is also our duty to give support and encouragement to genuine government measures for the protection of human rights. We should give every possible support to the President of Brazil and to all those who are now working to stop the destruction of the Yanomami and to protect their traditional territory. They should have our encouragement in opposing those who value gold more than the lives of the Yanomami and more than the preservation of the rain forest and the rivers. We must continue to observe and report whether the Government realizes and implements the positive measures that have been begun.

20. We must also continue to give attention to the problems that have not been sufficiently addressed. The Calha Norte Project calling for integration and economic development of the northern frontier region continues to be a major problem, because development and settlement of the area - particularly the Yanomami area - are destructive of the rain forest ecosystem and, even more important, destructive of the Yanomami people themselves. This situation calls for ongoing attention and it dramatizes the need for Indian and other indigenous peoples to be able to participate directly and fully in the United Nations Confernece on the Environment and Development in 1992.